

ATTACHMENT A REMARKS

The interview held with Supervisory Examiner Corsaro and Examiner Herrera on July 25, 2006, is gratefully acknowledged. The courtesy and cooperative spirit shown by the Examiners during the interview is much appreciated. The interview centered around the objections to claim 1 and the rejection on prior art. An amended version of claim 1 was presented during the interview and it was provisionally agreed that the claim overcomes the objections raised in the Office Action as well as patentably distinguishes from the cited prior art. The substance of the discussions at the interview is incorporated in the remarks which follow.

Turning to the Office Action and considering the matters raised therein in the same order as raised, claim 1 has been objected to because the claims "is a system claim however does not claim any components, pieces, or means, that performs what appears to be the applicants intended novel feature." The Examiner specifically objected to the phrase "controlled in such a manner" and suggested that language such as "a controller controlling the transceivers to" which "explicitly describes the invention that it performs the function" might be used. Claim 1 has been amended to address the objections raised in the Office Action and to address additional objections discussed with the Examiner by telephone during an earlier telephonic interview. It is noted that the proposed amendment to claim 1 left with the Examiners has been further modified to address the specific points discussed above so that claim 1 now recites "a controller controlling the receivers" as suggested by the Examiner.

Claims 1-3 have been rejected under 35 USC 103(a) as being unpatentable over Maki et al ("Maki") in view of Wakayama et al ("Wakayama") while the remainder of the claims have been rejected based on the Maki and Wakayama patents in view of at least one further reference. These rejections are respectfully traversed.

First, it is noted that the claims have been amended to recite a cellular system for trains including a wayside substation comprising a plurality of stationary transceiver stations distributed along a predetermined path and a plurality of trains constrained to travel along the predetermined path. As discussed in the specification, the invention has special applicability to such an environment in that multiple reflections are a

particular problem in tunnels or like structures that form a part of a conventional railway network. The problems presented by this environment are not addressed by Maki and Wakayama and, in this regard, Maki makes specific reference in the first full paragraph on page 2 to a train system (the Japanese Shinkansen) but rejects the techniques used therein as being difficult to apply to the "personal handy phone system" with which the Maki reference is concerned.

Second, and perhaps more importantly, it is respectfully submitted that Wakayama does not make up the deficiencies of the Maki patent as a reference against claim 1. In this regard, the Examiner acknowledges that the Maki reference "does not specifically disclose two different frequencies alternating between each other in a radio cycle as discussed by applicant." The Examiner then contends that Wakayama "clearly shows and discloses two different frequencies alternating between each other in a radio cycle as discussed by applicant" and "discloses two different frequencies (see col. 10, lines 5-27, where Wakayama discussed hopping between two frequencies in cycles)."

It is noted that the newly cited Wakayama patent is basically concerned with "frequency hopping" wherein switching takes place between a number of different frequencies in a pseudorandom manner. It is respectfully submitted that there is no teaching in Wakayama of the frequencies in question alternating between first and second frequencies in a repeating pattern as claimed in amended claim 1. In this regard, it is respectfully submitted that the Examiner has misinterpreted the sections of the Wakayama patent cited above. Specifically, while Figure 8 appears to show two different frequencies F1 and F2 used during two successive send-receive cycles between two different communication devices, there is no indication that the next frequency in the sequence would be the frequency F1 (which is, of course, what is required by claim 1). In fact, it appears clear from the remainder of the disclosure of the Wakayama patent that the next frequency would be the further frequency, e.g., F3 (see, e.g., Figure 5 and, more generally, Figure 2). It is respectfully submitted that this is the basic nature of frequency hopping, and that, with all due respect, the Examiner is reading more into the Wakayama patent than is actually disclosed therein in contending that Wakayama teaches first and second frequencies used in an alternating, repeating pattern as claimed in claim 1. Specifically, there is clearly no teaching in Wakayama of

controlling transceivers such that exchanges take place on two different frequencies in alternation between two successive radio cycles so that for a radio communication between the transceiver [of the train] and the transceivers [allocated to the given cell] lasting a plurality of radio cycles in sequence, the communication takes place "at a first frequency during a first radio cycle, at a second different frequency during the next radio cycle in the sequence, at the first frequency during the following radio cycle in the sequence after the next radio cycle, at the second frequency during the ensuing radio cycle in the sequence after said following radio cycle and so on, depending on the number of radio cycles, in a repeating pattern alternating between the first and second frequencies so as to provide increased immunity to interference during the radio communication," much less for controlling the transceivers of stationary transceiver stations and the transceiver carried by a train in this manner while a train of a plurality of trains is in a given cell.

In summary, it is respectfully submitted that even if it is conceded for the sake of argument that it would be obvious to combine the teachings of the Maki and Wakayama references, no fair combination of these teachings could result in the present invention as claimed in amended claim 1, given the actual teachings of the Wakayama reference.

Allowance of the application in its present form is respectfully solicited.

END REMARKS